

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

UNITED STATES OF AMERICA

V.

Crim. No: 3:2006cr-00479

CHARLES A. ARROYO, JR.
Pro Se

MOTION FOR EARLY RELEASE FROM FEDERAL PRISON

COMES NOW, Charles Arroyo, Defendant proceeding through Pro-Se representation, and is asking this Honorable Court to grant this motion for "Early Release" from Federal Prison under the Presidential HR-748 (public health outbreak) and in the spirit of Section 3582(c)(1)(A)'s "extraordinary and compelling reasons". Under the current societal conditions with the spread of COVID-19, and in light of Mr. Arroyo's current medical condition, this motion seeks early release from his original sentence of 210 months, with his outstanding time to be served in home confinement and under supervised release.

Mr. Arroyo has served 179 months of a sentence of 210 months (85%). His expected release date is set for November 20, 2022. Before the COVID-19 outbreak, the BOP Unit Team (Mr. Woods, Young, and Mr. Lay) had been working on Arroyo's re-entry release to halfway-house and are submitting the paperwork as per Warden Gomez. Due to the COVID-19 outbreak, Warden Gomez stated that if approved he would surely send Arroyo to home confinement. (**Exhibit A** "Sentence Monitoring Computation Data Sheet")

Mr. Arroyo suffers from loss of a spleen surgically removed at birth, and as documented by the medical community, and by the Arroyo's medical team at the University of California San Francisco. Please view (Exhibit A). Arroyo was born with a medical condition known as "spherocytosis" that if not treated could die. Arroyo, at age, six had an emergency splenectomy. Arroyo doctors monitored his blood count and recommendation were as follow; avoid the flue, keep a healthy diet, iron, and B-12. In place to support the

already mention Arroyo's Original medical records were not available to submit. Please accept (**Exhibit B**) as supportive evidence.

HISTORY: "The spleen plays multiple supporting roles in the body. It acts as a filter for blood as part of the immune system. Old red blood cells are recycled in the spleen, and platelets and white blood cells are stored there. The spleen also helps fight certain kinds of bacteria that cause **pneumonia**. The current virus, COVID-19 is being transmitted aggressively in prison populations, and causes severe respiratory illness, with death resulting from pneumonia. The Defendant is concerned that the Bureau Of Prisons cannot handle the current outbreak, and is asking the Honorable Court to take under advisement directive of William Barr, the Attorney General of The United States to send qualifying inmates to early release through home confinement.

In his latest memo, AG Barr states that "Time is of the Essence". With this, we are asking for immediate relief. Mr. Arroyo, having spent 85% of his time sentenced, with the last 10 years with no disciplinary action and taking all classes required by the Bureau of Prisons, believes he is specifically qualified for this program. There are several precedents that support the Defendant's motion but Arroyo was only able to submit (Exhibit A & B), due to the outbreak and limited resources.

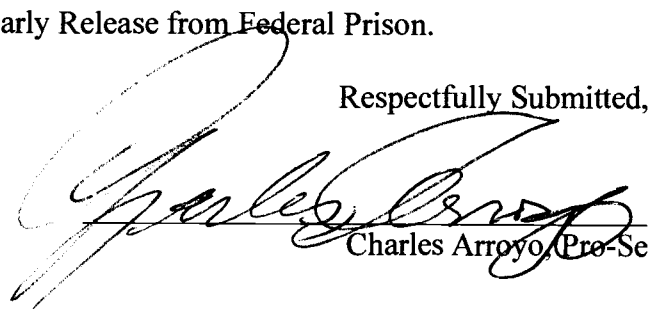
The Defendant brings his motion in the spirit of § 3582(c)(1)(A), Early Release from Federal Prison, as the courts have held that the Honorable Court has great latitude when interpreting this statute. The correct interpretation of § 3582(c)(1)(A)—based on the text, statutory history, and structure, and consideration of Congress's ability to override any of the Commission's policy statements "at any time," *Mistretta v. the United States*, 488 U.S. 361, 394 (1989)—is that when a defendant brings a motion for a sentence reduction under the amended provision, the Court can determine whether any extraordinary and compelling reasons other than those delineated in U.S.S.G. § 1B1.13 cmt. n.1(A)–(C) warrant granting relief. Even the U.S. Sentencing Commission has also concluded that Section 3582(c)(1)(A)'s "extraordinary and compelling reasons" for compassionate release are not limited to medical, elderly, or family circumstances. In this case, Mr. Arroyo has a severe medical condition that falls under the medical release guideline. The Defendant believes that in honoring the directive of Honorable Attorney General of The United States concerning inmates affected by the current

COVID-19 crisis, he is specifically affected by such threat and requests relief of Early Release under Supervision. With respect to the Defendant's request for Early Release, Mr. Arroyo wants to assure the Honorable Court that he has a loving home to go to and will respect all of the Court's provisions for Home Confinement and Supervision. Furthermore, Arroyo has a promising offer of employment by Miguel Landeros. If permitted by the court's Arroyo will work and not need government assistance. Arroyo has always worked hard and has never asked for government assistance in his entire life.

The Defendant plans to go to the home of his mother, Leocadia Arroyo, living in Forest Park, Georgia, who has a room ready for his immediate release. Ms. Arroyo is 74 years old and lives alone, and is eagerly waiting to spend her last few years with her only son (Arroyo). Arroyo plans to seek employment immediately and set up Supervision as directed by the Honorable Court and Probation Department. The Defendant respects the Honorable Court and its' task with adhering to current law while holding the Defendant accountable for his actions. Mr. Arroyo believes that this modification is being made to the sentencing court only in particularly extraordinary or compelling circumstances that could not reasonably have been foreseen by the court at the time of sentencing. The current COVID-19 crisis is a once in a lifetime crisis and directly affects the Defendant's health.

Also, Mr. Arroyo understands that the Honorable Court must protect the public at large and wants to re-assure the Honorable Court that the public will be protected from undue risk by careful review of each compassionate release request. Pre-release custody is typically either time in a halfway house or on home confinement, but both options allow a prisoner to sleep outside of a Federal Bureau of Prisons under currently accepted law. Mr. Arroyo having proven that he meets the criteria for Early Release and based on his time served threat to health, good conduct, and ability to live in a loving home while under Supervision, asks this Honorable Court to grant this Motion and Grant Mr. Arroyo Early Release from Federal Prison.

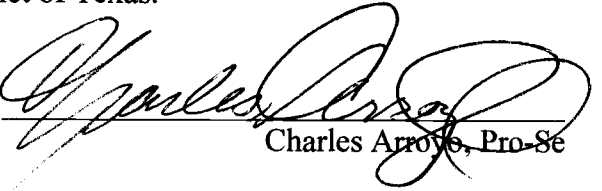
Respectfully Submitted,



Charles Arroyo, Pre-Se

CERTIFICATE OF SERVICE

On this 6th day of April, 2020, I, Charles Arroyo, hereby certify
that I placed a true and correct copy of this Motion For Early Release From Federal Prison. In
the U.S. postal mailbox affixed to the U.S.D.C for the Western District of Texas.


Charles Arroyo, Pro-Se